

ESTTA Tracking number: **ESTTA739641**

Filing date: **04/12/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Urban Fresh Foods Ltd.		
Entity	Limited Company	Citizenship	United Kingdom
Address	55C Charterhouse Street The Big Cave, The Saddlers Suite London, EC1M 6HA UNITED KINGDOM		

Attorney information	Gregg Paradise Lerner, David, Littenberg, Krumholz & Mentlik LLP 600 South Avenue West Westfield, NJ 07090 UNITED STATES gparadise@ldlkm.com, litigation@ldlkm.com Phone:9085186323
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Registration Subject to Cancellation

Registration No	3947853	Registration date	04/19/2011
Registrant	Debbas, Guy 10706 E. San Felipe Clovis, CA 93619 UNITED STATES		

Goods/Services Subject to Cancellation

Class 030. First Use: 2005/10/05 First Use In Commerce: 2005/10/05
All goods and services in the class are cancelled, namely: Sweetened yogurt covered dried fruits;
Sweetened yogurt covered nuts

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	4489318_1.pdf(12160 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Gregg A. Paradise/
Name	Gregg Paradise
Date	04/12/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

URBAN FRESH FOODS LTD.,	:	
	:	Registration No. 3,947,853
Petitioner,	:	
	:	
v.	:	Mark: YOYOS
	:	
GUY DEBBAS,	:	
	:	Cancellation No. _____
Respondent.	:	
_____	:	
	:	x

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION FOR CANCELLATION

Petitioner Urban Fresh Foods Ltd. (“Petitioner”) requests cancellation of the above-identified registration. The basis for cancellation is set forth below.

1. Petitioner is a United Kingdom limited company with a business address of The Big Cave, The Saddlers Suite, 55C Charterhouse Street, London EC1M 6HA, United Kingdom.

2. Upon information and belief, Registrant Guy Debbas (“Respondent”) is a United States individual with an address of 10706 E. San Felipe, Clovis, California 93619-9493.

3. Upon information and belief, Respondent is the owner of U.S. Trademark Registration No. 3,947,853 (“Respondent’s Registration”) for the mark YOYOS in standard characters.

4. Petitioner is the owner of Trademark Application No. 79/162,651 (“Petitioner’s Application”) for the mark YO YOS in stylized form. Petitioner’s Application is for “preserved,

dried, cooked and baked fruits and vegetables ” in Class 29, and was filed on November 10, 2014.

5. Respondent’s Registration is for use of the mark in connection with “sweetened yogurt covered dried fruits; sweetened yogurt covered nuts,” in Class 30.

6. Upon information and belief, Respondent has not used the mark YOYOS in connection with the goods listed in Respondent’s Registration for at least the past three years, and thus Respondent has ceased use of the mark and is presumed to not have an intent to resume use.

7. Through Respondent’s failure to use the mark YOYOS in connection with the goods listed in Respondent’s Registration, Respondent abandoned all rights in and to the Registration.

8. Petitioner will be damaged by the continued existence of Trademark Registration No. 3,947,853.

9. Therefore, Petitioner asserts that Respondent’s Registration for 3,947,853 should be cancelled pursuant to 15 U.S.C. § 1119 due to abandonment.

10. Please charge the fee of \$300 for a petition to cancel a registration in one class to Deposit Account No. 12-1095. The undersigned is authorized to make charges to said deposit account.

11. WHEREFORE, Petitioner prays that Registration No. 3,947,853 is cancelled.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

Attorneys for Petitioner

Urban Fresh Foods Ltd.

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Litigation@lernerdavid.com

Dated: April 12, 2016

By: /Gregg A. Paradise/
Gregg A. Paradise

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Cancellation was served on April 12, 2016, via First Class Mail, on the Correspondent listed, addressed as follows:

Guy Debbas
10706 E. San Felipe
Clovis, California 93619-9493

/Gregg A. Paradise/
Gregg A. Paradise